

Serial No. 09/997,906
Atty Docket 67,200-617
Paper 5

REMARKS

I. Introduction

Applicant thanks Examiner Jackson for the consideration of applicant's amendment, as detailed in the Office action (Paper 4) mailed 19 May 2003 and made final. With claims 1-21 remaining under prosecution in this application, applicant respectfully requests reconsideration of the application in view of the following arguments.

II. Claim rejection under 35 U.S.C. § 103

A. Claims 1, 3, 5 and 6-21 were rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki in view of Gott. The Office action asserts that Suzuki has at least one conductor (2) characterized by an electrical insulative porous sheath to provide electrical isolation of one electrical conductor from the other conductor.

This assertion cannot be agreed upon. Nowhere in Suzuki one can find that one conductor is electrically insulated from the other by the electrical insulative porous sheath. On the contrary, Suzuki repeatedly teaches that the porous sheath, which separates the conductors, is electrically conductive (column 3, lines 16-20 of Suzuki; column 3, lines 61-63; column 4, lines 1-2 and 8-9; column 8, lines 35-36; column 8, line 67-column 9, line 2). For that reason, a combination of Suzuki and Gott would not have resulted in the applicant's invention as claimed in claim 1 in its entirety even if this combination had been motivated in Suzuki.

With this in view, applicant believes that neither Suzuki nor Gott, separately or in combination thereof, destroy the novelty of claim 1 as previously presented and

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respectfully submits that the 35 U.S.C. § 103 rejection be withdrawn and the claim be allowed. Claims 2-12 are believed to be patentable as dependent from patentable base claim 1.

B. With reference to column 1, lines 11-14 and Figure 2 of Suzuki, the Office action asserts that, regarding to claims 13 and 18 of the applicant's invention, "Suzuki discloses where a pair of electrical conductors in proximity to a vessel at least one of the electrical conductors being elongate and having a sheath of an electrically insulative and porous material."

Applicant respectfully disagrees. First, the text in column 1, lines 8-15, read: "Therefore, it is established by law in certain countries that equipment be installed for detecting liquid leaks from petroleum pipelines and tanks. Also, it is desirable to install such leak detecting equipment on gas holding tanks, storage tanks and pipings used in chemical plants which contain dangerous liquids such as fuels, solvents or poisonous liquids." The text does not seem to confirm the above assertion. Similarly, Figure 2 by itself does not show that at least one of electrical conductors has a sheath of an electrically insulative and porous material. The description of Figure 2 (column 4, lines 12-15) reads: "As shown in FIG. 2, many conductors 2, 2' may be embedded in the conductive material 4 in a separated, parallel relationship as in the case of a flat cable." In other words, what is called in the Office action an electrically insulative material, Suzuki considers a conductive material. For that reason, a combination of Suzuki and Gott would not have resulted in the applicant's invention as claimed either in claim 13 or in claim 18 even if this combination had been considered desirable in Suzuki.

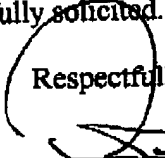
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With this in view, applicant believes that neither Suzuki nor Gott, separately or in combination thereof, destroy the novelty of claims 13 and 18 as originally presented and respectfully submits that the 35 U.S.C. § 103 rejection of those claims be withdrawn and they be allowed. Claims 14-17 and 19-21 are believed to be patentable as dependent from patentable base claims 13 and 18, respectively.

IV. Conclusion

All the above considered, applicant believes that claims 1-21 are in the condition of allowance, and this favorable action is respectfully solicited.

Respectfully submitted



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